

Assembly Bill No. 499

CHAPTER 359

An act to add and repeal Chapter 4.3 (commencing with Section 18259) of Part 6 of Division 9 of the Welfare and Institutions Code, relating to sexually exploited minors.

[Approved by Governor September 27, 2008. Filed with
Secretary of State September 27, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 499, Swanson. Commercially sexually exploited minors.

Existing law declares the findings of the Legislature that there is a need to develop programs to ameliorate, reduce, and ultimately eliminate the trauma of child sexual abuse, and that, for the purposes of developing and providing these programs and services, and for the training of, and providing information to, city and county personnel throughout the state, it is necessary to expand specified services.

This bill would, until January 1, 2012, authorize the District Attorney of Alameda County to create a pilot project, contingent upon local funding, for the purposes of developing a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors, as specified. The bill would authorize the District Attorney of Alameda County, as part of the pilot project, to develop protocols for identifying and assessing minors, upon arrest or detention by law enforcement, who may be victims of commercial sexual exploitation, and to develop a diversion program reflecting the best practices to address the needs and requirements of those minors. The district attorney would also be authorized to develop, offer, and provide a training curriculum that would provide training for certain county employees on the commercial sexual exploitation of minors in Alameda County, as specified.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to encourage the development of a comprehensive, multidisciplinary model reflecting the best practices for the response of law enforcement and the criminal and juvenile justice systems to identify and assess commercially sexually exploited children who have been arrested or detained by local law enforcement.

SEC. 2. Chapter 4.3 (commencing with Section 18259) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 4.3. SEXUALLY EXPLOITED MINORS PILOT PROJECT

18259. (a) The County of Alameda, contingent upon local funding, may establish a pilot project consistent with this chapter to develop a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors who have been arrested or detained by local law enforcement for a violation of subdivision (a) or (b) of Section 647 or subdivision (a) of Section 653.22 of the Penal Code.

(b) The District Attorney of the County of Alameda, in collaboration with county and community-based agencies, may develop, as a component of the pilot project described in this chapter, protocols for identifying and assessing minors, upon arrest or detention by law enforcement, who may be victims of commercial sexual exploitation.

(c) The District Attorney of the County of Alameda, in collaboration with county and community-based agencies that serve commercially sexually exploited minors, may develop, as a component of the pilot project described in this chapter, a diversion program reflecting the best practices to address the needs and requirements of arrested or detained minors who have been determined to be victims of commercial sexual exploitation.

(d) The District Attorney of the County of Alameda, in collaboration with county and community-based agencies, may form, as a component of the pilot project described in this chapter, a multidisciplinary team including, but not limited to, city police departments, the county sheriff's department, the public defender's office, the probation department, child protection services, and community-based organizations that work with or advocate for commercially sexually exploited minors, to do both of the following:

(1) Develop a training curriculum reflecting the best practices for identifying and assessing minors who may be victims of commercial sexual exploitation.

(2) Offer and provide this training curriculum through multidisciplinary teams to law enforcement, child protective services, and others who are required to respond to arrested or detained minors who may be victims of commercial sexual exploitation.

18259.3. For purposes of this chapter, "commercially sexually exploited minor" means a person under 18 years of age who has been abused in the manner described in paragraph (2) of subdivision (c) of Section 11165.1 of the Penal Code, and who has been detained for a violation of the law or placed in civil protective custody on a safety hold based only on a violation of subdivision (a) or (b) of Section 647 or subdivision (a) of Section 653.22 of the Penal Code.

18259.5. This chapter shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.